

**§ 52.1181 Interstate pollution.**

(a) The requirements of Section 126(a)(1) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the procedures on which the state is relying to notify nearby states of any proposed major stationary source which may contribute significantly to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

[46 FR 30084, June 5, 1981]

**§ 52.1182 State boards.**

(a) The requirements of Section 128 of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the measures on which the state is relying to insure that the Air Pollution Control Commission contains a majority of members who represent the public interest and do not derive a significant portion of their income from persons subject to permits or enforcement orders under the Act and that the board members adequately disclose any potential conflicts of interest.

[46 FR 30084, June 5, 1981]

**§ 52.1183 Visibility protection.**

(a) *Reasonably Attributable Visibility Impairment.* The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable measures for meeting the requirements of 40 CFR 51.302, 51.305, and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulation for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made a part of the applicable plan for the State of Michigan.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of Michigan.

(d) *Regional Haze.* The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted by Michigan on November 5, 2010, does not include fully approvable measures for meeting the requirements of 40 CFR 51.308(d)(3) and 51.308(e) with

respect to emissions of NO<sub>x</sub> and SO<sub>2</sub> from electric generating units. EPA has given limited approval and limited disapproval to the plan provisions addressing these requirements.

(e) *Measures Addressing Limited Disapproval Associated With NO<sub>x</sub>.* The deficiencies associated with NO<sub>x</sub> identified in EPA's limited disapproval of the regional haze plan submitted by Michigan on November 5, 2010, are satisfied by § 52.1186.

(f) *Measures Addressing Limited Disapproval Associated With SO<sub>2</sub>.* The deficiencies associated with SO<sub>2</sub> identified in EPA's limited disapproval of the regional haze plan submitted by Michigan on November 5, 2010, are satisfied by § 52.1187.

(g) The requirements of section 169A of the Clean Air Act are not met because the regional haze plan submitted on November 5, 2010, does not meet the best available retrofit technology requirements of 40 CFR 51.308(e) with respect to emissions of NO<sub>x</sub> and SO<sub>2</sub> from Saint Marys Cement in Charlevoix and NO<sub>x</sub> from Escanaba Paper Company in Escanaba. These requirements for these two facilities are satisfied by 40 CFR 52.1183(h) and 40 CFR 52.1183(i), respectively.

(h)(1) For the 30-day period beginning January 1, 2017, and thereafter, Saint Marys Cement, or any subsequent owner or operator of the Saint Marys Cement facility located in Charlevoix, Michigan, shall not cause or permit the emission of oxides of nitrogen (expressed as NO<sub>2</sub>) to exceed 2.80 lb per ton of clinker as a 30-day rolling average.

(2) For the 12-month period beginning January 1, 2017, and thereafter, Saint Marys Cement, or any subsequent owner or operator of the Saint Marys Cement facility located in Charlevoix, Michigan, shall not cause or permit the emission of NO<sub>x</sub> (expressed as NO<sub>2</sub>) to exceed 2.40 lb per ton of clinker as a 12-month average.

(3) Saint Marys Cement, or any subsequent owner or operator of the Saint Marys Cement facility located in Charlevoix, Michigan, shall not cause or permit the emission of SO<sub>2</sub> to exceed 7.50 lb per ton of clinker as a 12-month average.

(4) Saint Marys Cement, or any subsequent owner or operator of the Saint